

BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JEFFREY HINTE,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04450 (SMB)

**DECLARATION OF MARY ELIZABETH HOWE IN SUPPORT OF
MEMORANDUM OF LAW IN SUPPORT OF TRUSTEE'S MOTION TO
DISMISS COUNTERCLAIMS AND STRIKE AFFIRMATIVE DEFENSES**

1. I am an associate at the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, Trustee (the “Trustee”) for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff (“Madoff”).

2. I am fully familiar with this case and have personal knowledge of the matters stated in this Declaration.

3. I submit this Declaration in support of the Trustee’s Memorandum of Law In Support of Trustee’s Motion to Dismiss Counterclaims and Strike Affirmative Defenses.

4. Attached hereto as Exhibit A is a true and correct copy of an Order on an Application for Entry of an Order Approving Form and Manner of Publication and Mailing of Notices; Specifying Procedures for Filing, Determination, and Adjudication of Claims; and Providing Other Relief, entered on December 23, 2008, in *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re Bernard L. Madoff Inv. Sec. LLC)*, No. 08-01789 (BRL) (Bankr. S.D.N.Y. Dec. 23, 2008) (Dkt. No. 12).

5. Attached hereto as Exhibit B is a true and correct copy of an Affidavit of Publication, filed on February 2, 2009, in *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re Bernard L. Madoff Inv. Sec. LLC)*, No. 08-01789 (BRL) (Bankr. S.D.N.Y. Feb. 2, 2009) (Dkt. No. 57).

6. Attached hereto as Exhibit C is a true and correct copy of excerpts from an Affidavit of Mailing, filed on February 4, 2009, in *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re Bernard L. Madoff Inv. Sec. LLC)*, No. 08-01789 (BRL) (Bankr. S.D.N.Y. Feb. 4, 2009) (Dkt. No. 76).

7. Attached hereto as Exhibit D is a true and correct copy of defendant’s Memorandum of Law in Support of Defendant’s Motion to Withdraw the Reference, filed on

March 30, 2012, in *Picard v. Hinte*, Adv. Pro. No. 12-cv-02404 (JSR) (S.D.N.Y. Mar. 30, 2012) (Dkt. No. 3)).

8. Attached hereto as Exhibit E is a true and correct copy of defendant's Notice of Motion and Defendant's Motion to Withdraw the Reference, filed on March 30, 2012, in *Picard v. Hinte*, No. 12-cv-02404 (JSR) (S.D.N.Y. Mar 30, 2012) (Dkt. No. 1).

9. Attached hereto as Exhibit F is a true and correct copy of an Order entered on May 16, 2012, in *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re Madoff Securities)*, No. 12-mc-00115 (JSR) (S.D.N.Y. May 16, 2012) (Dkt. No. 107).

10. Attached hereto as Exhibit G is a true and correct copy of a Consolidated Memorandum of Law in Support of Motion to Dismiss Regarding Antecedent Debt Issues on Behalf of Withdrawal Defendants, As Ordered by the Court on May 12, 2012, filed on June 25, 2012, in *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re Madoff Securities)*, No. 12-mc-00115 (JSR) (S.D.N.Y. Jun. 25, 2012) (Dkt. No. 199).

11. Attached hereto as Exhibit H is a true and correct copy of the transcript of an oral argument held on August 20, 2012, in *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re Madoff Securities)*, No. 12-mc-00115 (JSR) (S.D.N.Y. Aug. 20, 2012).

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements made by me are true and correct.

Dated: New York, New York
July 28, 2014

/s/ Mary Elizabeth Howe
Mary Elizabeth Howe, Esq.
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
Email: bhowe@bakerlaw.com